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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Senegal*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information on the steps taken to review and harmonize all legislation, policies and measures with the provisions of the Convention.

2. Please specify the disability assessment criteria that are in place and that are used by the different commissions established under decree No. 2012-1038 to issue the equal opportunity card (*carte d'égalité des chances*), and state whether these criteria are in line with the human rights model of disability enshrined in the Convention.

3. Please explain how persons with disabilities, through their representative organizations, effectively participate in the assessment and certification of disability for the purposes of the equal opportunity card and other entitlements.

4. Please explain how persons with disabilities, through their representative organizations, are involved in the formulation, implementation and monitoring of legislation, policies and other relevant measures.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

5. Please provide information on the following:

(a) The extent to which legislation, including decree No. 2012-1038, recognizes the principles of multiple and intersectional discrimination;

(b) The mechanisms that exist to register, hear and remedy complaints of disability-based discrimination;

(c) The sanctions provided for in law against perpetrators of disability-based discrimination.

Women with disabilities (art. 6)

6. Please provide information on how legislation and policies aimed at eliminating discrimination against women and girls with disabilities are mainstreamed in national strategies, and on how they are implemented and monitored.

7. Please indicate the measures in place to enable women with disabilities to advocate for their rights and to effectively participate in public and cultural life.

* Adopted by the pre-sessional working group at its tenth session (24–27 September 2018).

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Children with disabilities (art. 7)

8. Please provide statistical data, disaggregated by age and sex, on children with disabilities who attend mainstream schools with support, on those who are still in segregated schools and in mainstream schools without support, and on those who are completely excluded from the education system.

9. Please indicate the system in place to enable children with disabilities to effectively participate in and voice their opinion on matters that affect their daily lives.

Awareness-raising (art. 8)

10. Please explain the measures taken to raise awareness of the rights of persons with disabilities. Please provide an itemized annual budget for awareness-raising activities and explain how organizations of persons with disabilities are involved in disability awareness-raising campaigns. Please clarify whether decree No. 2012-1038 mistakenly recognizes the prevention of disability as a measure to implement the provisions of the Convention.

Accessibility (art. 9)

11. Please explain the measures taken since the ratification of the Convention to:

(a) Engage organizations of persons with disabilities in the design, implementation and monitoring of accessibility standards in relation to the built environment, transportation, information and communication technologies and systems, and other facilities and services available to the public;

(b) Implement and monitor accessibility legislation;

(c) Implement article 9 of the Convention, taking into account the Committee's general comment No. 2 (2014) on accessibility.

Right to life (art. 10)

12. Please explain the legal and other measures in place to protect persons with disabilities, in particular persons with albinism from different forms of violence and murder, including ritual killings.

Situations of risk and humanitarian emergencies (art. 11)

13. Please provide information on the efforts made by the State party to incorporate the Sendai Framework for Disaster Risk Reduction 2015–2030 in all laws and policies in implementation of its disaster risk management strategy. Please indicate how persons with disabilities, through their representative organizations, are involved in such efforts.

Equal recognition before the law (art. 12)

14. Please specify the legal and other measures taken to ensure that persons with disabilities, in particular persons with psychosocial or intellectual disabilities, enjoy their legal capacity to enter into contracts, to open bank accounts and to marry a partner of their own choice.

15. Please provide information on the efforts made to replace substituted decision-making regimes by supported decision-making regimes.

Access to justice (art. 13)

16. Please provide information on:

(a) The steps taken to include the principles of procedural accommodation and age-appropriate accommodation in national legislation;

(b) How persons with disabilities are empowered to be direct and indirect participants in the justice system as judges, lawyers and court officials, and to be law enforcement personnel in the police force and the prison system;

(c) The training provided to judges, legal professionals, court officers and prison officers on the provisions of the Convention.

Liberty and security of the person (art. 14)

17. Please clarify whether any laws allow for the detention of persons with disabilities in hospitals or other facilities without their consent and free will, based on their actual or perceived impairment.

18. Please explain the measures taken to ensure accessibility for persons with disabilities, particularly those with psychosocial or intellectual disabilities, during pretrial and trial procedures, including at the time of arrest and during interrogation and detention.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

19. Please explain whether an independent monitoring mechanism is in place to prevent torture and the inhuman or degrading treatment of persons with disabilities, in particular persons with albinism and persons with autism.

Freedom from exploitation, violence and abuse (art. 16)

20. Please provide information on how persons with disabilities who are still living in institutions, in particular women and girls with disabilities, can access the justice system when they are exposed to exploitation, violence or abuse.

Living independently and being included in the community (art. 19)

21. Please specify:

(a) The steps taken by the State party to implement and monitor the right of persons with disabilities to live independently and be included in the community. In particular, please describe the support that is available in the community for them to decide where, how and with whom they want to live;

(b) Whether there is an itemized budget for the provision of personal assistance for persons with disabilities.

Personal mobility (art. 20)

22. Please provide information on the mobility aids and accessible devices for which all persons with disabilities are eligible, and explain the assessment criteria used to determine their eligibility.

Freedom of expression and opinion, and access to information (art. 21)

23. Please indicate whether the State party has carried out research with the purpose of recognizing Senegalese sign language as an official language.

24. Please specify how official information is disseminated to all persons with disabilities, detailing the available accessible formats.

Respect for home and the family (art. 23)

25. Please provide information on legislative and policy measures to ensure that persons with disabilities can exercise their rights with regard to the home and the family, including their rights to marry, found a family and adopt children.

Education (art. 24)

26. Please provide information on:

(a) The existence of a legal and policy framework for inclusive education with a time frame for implementation and sanctions for non-compliance;

(b) Whether the denial of reasonable accommodation constitutes disability-based discrimination for lifelong learners;

(c) The steps taken to transform the education system into a high-quality and inclusive education system, specifying the budget that is allocated, as a proportion of the total education budget, for the training of teaching staff, support staff and non-teaching staff on the core competencies and values required for working in inclusive educational environments.

Health (art. 25)

27. Please explain the legislative and policy measures in place to allow persons with disabilities, in particular persons with albinism, to access health services in a non-discriminatory manner and on an equal basis with others.

Work and employment (art. 27)

28. Please provide data, disaggregated by sex and age, on the unemployment rate among persons with disabilities. Please provide information on the measures taken to increase the employment rate among persons with disabilities, including the legal obligations of employers to employ persons with disabilities and the incentives provided to employers who employ persons with disabilities.

29. Please describe the mechanisms in place to monitor and implement the legislation that ensures the right of persons with disabilities to work in the open labour market.

30. Please explain the measures taken to expedite the transition from sheltered employment to employment in the open labour market or self-employment for persons with disabilities.

Adequate standard of living and social protection (art. 28)

31. Please specify the eligibility criteria for social protection measures for all persons with disabilities, as stipulated in article 3 of the Social Protection Act.

Participation in political and public life (art. 29)

32. Please explain the legislative measures in place to ensure the right of persons with disabilities to participate at all stages of election processes, including through the exchange of information and by voting. Please explain the efforts made to ensure that all persons with disabilities can participate in public and political life. Please provide information, including statistical data, on the number of persons with disabilities who occupy decision-making positions at all levels of the State party, specifying whether this number has increased since the ratification of the Convention.

Participation in cultural life, recreation, leisure and sport (art. 30)

33. Please provide information about the strategy in place to ensure that persons with disabilities can participate in inclusive sporting, leisure and cultural activities.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

34. Please provide information on measures to collect appropriate information, including statistics and research data, to enable the State party to formulate and implement policies to give effect to the Convention. Please state whether the Washington Group Short Set of Questions on Disability and the related methodology have been adopted.

International cooperation (art. 32)

35. Please explain how persons with disabilities, through their representative organizations, are involved in foreign policy decisions, in particular in accessing

international cooperation funds that are intended for disability-specific projects or that target persons with disabilities. Please provide information on any measures in place for the ratification of the African Disability Protocol recently adopted by the African Union.

National implementation and monitoring (art. 33)

36. Please provide information on:

(a) The methods for appointing members of the National Human Rights Commission and the extent to which it is independent from the executive;

(b) The extent to which persons with disabilities are represented on the commission and their involvement in all its activities through their representative organizations.